

CITY OF FRESNO  
DISABILITY ADVISORY COMMISSION

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DEPARTMENT OF PUBLIC WORKS

APPROVED - MINUTES OF THE MAY 11, 2009 MEETING

DAC Commission Members Present: Robert Hand, Chair, Lillian Fillpot, Vice Chair, Ron Sheppard, Darby Greer, Russell Hoeltzer, Michelle Bronson, Mary Beth Randall

Staff Present: Carlos Duarte, *ex officio* DAC member, Elizabeth Kunz, DAC Secretary, Patrick Wiemiller, Public Works Director, Del Estabrook, Parking Manager Sylvia Shelton, Public Works Services Aide

Call to Order and Self Introductions were made.

APPROVAL OF MINUTES

On motion of Member Randall, seconded by Member Greer, duly carried, the minutes of April 13, 2009, approved as submitted.

MEMBER REPORTS AND COMMENTS

Chair Hand reported (1) two Commission Members' terms will expire at the end of June 2009, individuals interested in applying for these positions should complete an application by June 1, 2009; applications can be found on the City Clerk's website or obtained from the ADA Coordinator; (2) DAC will have a table at the Public Works' Week Street Fair on Tuesday May 19, 2009, from 9:00 a.m. to 12:00 noon; (3) he presented a proclamation from City Council at the U.S. Army Recruiting Battalion and participated in the presentation of an award from the City of Fresno to Major Rodriquez Shellhammer and her six-year-old daughter, Marianna, for their volunteer efforts with the March of Dimes.

Member Hoeltzer thanked Secretary Kunz for demonstrating a traffic signal head and a pedestrian signal head to the students at Copper Hills School.

Member Fillpot reported that (1) Wednesday, May 27, 2009, is Capital Action Day in Sacramento regarding the budget cuts for services for persons with disabilities in California; (2) the Center for Independent Living (CIL) Fresno is sponsoring a bus for individuals who want to attend the event; registration is between 6:00 and 6:15 a.m., and two busses will be leaving C.I.L. at 6:30 a.m.

Chair Hand reported that the State Department for Rehabilitation held a meeting to accept input for the State Rehab Plan, and that he attended as a State Rehabilitation Council Member and to hear and receive input.

Member Randall reminded that May is Guide Dog Awareness Month, and that a portion of Pet Smart and Petco purchases made in this month will be used to support guide dog schools.

Member Shepherd reported that the Department of Mental Health Services published a study on autism showing a great increase in diagnosed cases of autism since 1987.

Member Fillpot reported that May is Mental Health Month and Mental Health America received a proclamation from the Board of Supervisors.

#### UNSCHEDULED COMMUNICATION

Del Estabrook, Parking Manager for the City of Fresno, requested that the DAC support his department in an effort to make a sweep of the downtown area to confirm whether people using stalls for people with disabilities are legitimately using them. He asked the DAC to support this effort. Chair Hand directed Secretary Kunz to place an endorsement on the agenda for more formal action by the DAC next month.

Dorothy Hoeltzer suggested the DAC put out a newsletter regarding the effort to get the support of the community.

Carol Casey Zaun asked if anyone could volunteer for the May 19<sup>th</sup> Public Works Week Street Fair and Secretary Kunz assured her that anyone could participate.

PRESENTATION: CITY OF FRESNO, FACILITIES TRANSITION PLANNING PROCESS – MOORE IACOFANO GOLTSMAN (MIG)

Mr. Tim Gilbert, principal with MIG, updated the status of the City of Fresno ADA Transition Plan to date in a Power Point presentation.

Member Greer asked for clarification that the accessibility of restrooms is not considered an amenity. Mr. Gilbert responded that restrooms are considered a programmatic use area within a facility. Member Shepherd expressed concern about the future planning in regards to technology and uses of software being considered a reasonable accommodation, such as making technology services portable as opposed to having to go to a place. Mr. Gilbert responded that technology has moved so fast that from a facility point of view, the architects and designers are still catching up.

Secretary Kunz explained that the Transition Plan data base includes data for 18 facilities surveyed by MIG and provides a framework for evaluating additional facilities. The City has prioritized the barriers identified within buildings according to the priorities in the regulations implementing Title II of the ADA. She indicated that the DAC would be the body that will channel the community input on the transition.

ACTION ITEM: DETERMINE MEANS OF PROVIDING FEEDBACK ON THE FACILITIES TRANSITION PLAN

Chair Hand explained that the DAC needs to come up with suggested ways for the feedback to be gathered; he asked Secretary Kunz for clarification regarding the DAC's role in providing feedback. Secretary Kunz indicated that the DAC could give preliminary feedback on any priorities the DAC would like to see used in prioritizing the eighteen facilities surveyed relative to each other at this time, or allow the staff to conduct that prioritization and review it. In addition, the DAC will be the body that would gather community input on the total transition plan.

Member Shepherd inquired as to how many of the 18 facilities were located in west Fresno. After some discussion, Secretary Kunz indicated that at least three Frank H. Ball, Mary Ella Brown Neighborhood Center, and Sunset Neighborhood Center are located in west Fresno.

Member Greer indicated Head Start has programs at three of the eighteen sites that have been evaluated, and asked whether since she was employed by that entity, she should participate in the prioritization process. Secretary Kunz responded that she would research the question.

Member Bronson inquired if Saroyan Theater and Selland Arena should receive high priority because of the high use by community members. Member Shepherd asked if there are specific business groups that can be targeted to solicit priorities in terms of renovation and modernization and accessibility.

Chair Hand suggested that Commissioners, as individuals, could email ideas about prioritization to Secretary Kunz.

A motion was made by Member Hoeltzer that the City proceed with the process of prioritization and report back to the DAC. The motion was seconded by Member Shepherd.

Chair Hand accepted public comment. Carol Casey Zaun inquired as to the methods of receiving public input and indicated that the ADA Advisory Council could have assisted in this effort.

A vote on the motion was taken and carried. Member Greer abstained.

#### **ACTION ITEM: DETERMINE STRUCTURE AND TASKS FOR WORKING GROUPS**

Chair Hand briefly reviewed the past history of the FAX ADA Advisory Council and the ADA Advisory Council, and stated that in the future, these committees would have to meet the Brown Act, and at this time their proposed by-laws and procedures do not meet the requirements of the Brown Act. Chair Hand outlined two ways to proceed: (1)

Continue to work to make them in some form a standing committee (required to have specific membership and follow specific order and only address what is on the agenda, and people cannot communicate with each other along with other Brown Act items); or (2) They be created working groups, and as things come up, they can act within those scopes and report back to the Commission.

Member Fillpot expressed desire to see working groups without a lot of rules and by-laws. Member Randall expressed concern that the community will no longer be able to communicate concerns and make recommendations without the two councils. Member Randall stated that the Commission will not provide the same outlet with the public as in the past and will abstain from voting on this issue. Chair Hand agreed that failure to settle on a procedure has hindered public input.

Patrick Wiemiller, City of Fresno Public Works Director, stated that the City values input from the public and realizes that there needs to be some form of structure put in place that perpetuates and enhances communication. The procedure needs to be balanced against the legal requirements and potential liabilities that exist. Mr. Wiemiller further stated that every person ever involved in the ADA committees could participate in the Transition Plan through the Commission in compliance with the Brown Act.

Chair Hand accepted a motion to go forward with a working committee to get things done, and opened the floor to comment. Secretary Kunz questioned if a working committee is a task force. Chair Hand responded in the affirmative. A working committee is assigned a particular task, meets, gets public input, and brings the information back to the Commission.

Member Hoeltzer inquired if there would be a continuing relationship with FAX. Chair Hand stated that a similar group of people would be formed to work with certain issues (including with FAX) and hoped Member Randall will continue to be active in this setting. Member Randall asked if this means they would no longer be able to work with FAX on particular issues on a monthly basis. Chair Hand responded that regularly scheduled meetings would not exist, but on particular issues the working committee would be formed. The Commission is

the responsible body that would ask the working committee to address issues with public input.

Member Hoeltzer asked if the committee would still be able to get to FAX with problems, and Chair Hand stated that they would. Member Shepherd requested clarification that the task force's charge would be fact finding. Member Fillpot commented on the importance of including the community.

A motion to go forward with establishing working committees as task forces to get things done was made by Member Fillpot, seconded by Member Hoeltzer, and carried. Member Randall abstained.

**ACTION ITEM: STATEMENT OF SUPPORT FOR THE COPS FOR KIDS WITH SPECIAL NEEDS GRIZZLIES GAME ON MAY 16, 2009**

Member Shepherd presented information regarding the Commission supporting the Cops for Kids with Special Needs day to see the Fresno Grizzlies play baseball. Discussion ensued. Member Hoeltzer asked if the headsets were working properly and Member Shepherd will check on it. Member Greer questioned if the "Cops for Kids" receive all the proceeds and Member Shepherd indicated he did not know.

Member Shepherd made a motion to approve a draft letter of support for the "Cops for Kids with Special Needs" fundraising event. Motion seconded by Member Hoeltzer and unanimously approved.

### Adjournment

There being no further business to bring before the Commission, the hour of 7:00 pm having arrived and hearing no objection, Member Greer made a motion to adjourn the meeting and Member Randall seconded the motion, and it was unanimously approved.